



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 17th February, 2006:—

I

BILL NO. II OF 2006

A Bill to provide for the establishment of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the High Court of Madhya Pradesh (Establishment of a Permanent Bench at Bhopal) Act, 2006. Short title and commencement.
- (2) It shall come into force with immediate effect.
2. There shall be established a permanent Bench of the High Court of Madhya Pradesh at Bhopal, the capital of the State of Madhya Pradesh and such Judges of the High Court of Madhya Pradesh being not less than five in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Bhopal in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the district of Bhopal and adjoining areas of the other districts of Madhya Pradesh. Establishment of a permanent Bench of High Court of Madhya Pradesh at Bhopal.

STATEMENT OF OBJECTS AND REASONS

Despite the formation of the State of Chhattisgarh out of Madhya Pradesh, the State is still the largest state of the Indian Union geographically. The population of Madhya Pradesh has also increased substantially which also needs dispensation of Justice and for this subordinate Courts and the High Court of Madhya Pradesh have been established. Generally, the High Courts are located in the capitals of the states but Bhopal, the capital of Madhya Pradesh is without a Bench of the High Court of Madhya Pradesh. In fact, the principal Bench of the High Court should have been at Bhopal to honour the capital city as is the case of most of the other State capitals but the principal Bench of Madhya Pradesh High Court is in Jabalpur. After Bhubaneswar and Thiruvananthapuram, Bhopal is the only capital city without a High Court Bench which is a cause of concern for the people of Bhopal. As a result, there has been a long standing demand for the establishment of a Permanent Bench of the High Court of Madhya Pradesh at Bhopal. For this, successive Governments of the state have recommended for the establishment of such a Bench at Bhopal.

The officials of the State Government have to shuttle between Bhopal and Jabalpur in respect of cases involving the State thereby incurring avoidable expenditure and burden on the State exchequer. The poor litigants of Bhopal and adjoining areas who wish to knock the door of the High Court for justice cannot afford to fight their cases in Jabalpur. It is, therefore, necessary that a permanent Bench of the High Court of Madhya Pradesh be established at Bhopal on priority basis.

Hence this Bill.

MAYA SINGH

II

BILL NO. I OF 2006

A Bill to provide for the protection of the needy, suffering, abandoned, destitute, old or infirm widows of the society by initiating welfare measures for such widows by the Central and State Governments and for the establishment of an Authority for that purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Neglected and Suffering Widows (Protection and Welfare) Act, 2006.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government.

(b) “Authority” means the Widows Welfare Authority established under section 4;

(c) “neglected or destitute” in relation to a widow means a widow who has been disowned and neglected by her relatives or a widow who has no relative or kinsman to support her or a widow having no source of income with or without dependent minor children;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “Suffering” in relation to a widow means a widow stricken with infirmity due to old age, physical deformity, sickness or disease, mental illness and who lives uncared for;

(f) “widow” means a woman whose husband has died after her legal marriage.

National Policy for the Welfare of Widows.

3. The Central Government shall, as soon as may be, after the commencement of this Act and in consultation with the Government of the States, formulate a national policy for the welfare and rehabilitation of neglected, abandoned, destitute and suffering widows of the country for being uniformly implemented throughout the country.

Establishment of Widows Welfare Authority.

4. (1) The Central Government shall, by notification in the Official Gazette, establish a Widows Welfare Authority with its headquarters at Bhopal in the State of Madhya Pradesh.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority may establish its branches in the States and Union Territories in such manner as may be prescribed.

(4) The Authority may appoint such number of officers and employees as may be necessary for the efficient functioning of the Authority and carrying out the purposes of this Act with such terms and conditions of service and in such manner as may be prescribed.

Composition of the Authority.

5. (1) The Authority shall consist of,—

(a) Union Minister of Social Justice and Empowerment the *ex-officio* Chairperson of the Authority;

(b) a Vice-Chairperson preferably a widow to be appointed by the Central Government;

(c) three women Members of Parliament of whom two shall be from the Lok Sabha and one from the Rajya Sabha to be nominated by the respective presiding officers of each House;

(d) two members representing the Department of Women and Child Development of the Union Ministry of Human Resource Development to be appointed by the Central Government;

(e) not more than four members to be appointed by the Central Government in consultation with the Governments of the States by rotation in alphabetical order to represent the Governments of the States;

(f) two members to be appointed by the Central Government from amongst the Non-Governmental Organizations working for the welfare of the widows.

(2) The term of office of the Vice-Chairperson and every other member shall be four years.

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(3) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings including the quorum, as may be prescribed.

6. (1) The Authority shall promote and provide, by such measures, as it may think fit, the appropriate rehabilitation and welfare of destitute, neglected and suffering widows with or without dependent children.

Functions of
the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority shall,—

(a) maintain district, block and village-wise register of widows in such categories as may be prescribed;

(b) collect and get verified the antecedents of every widow for the purpose of giving subsistence allowance and other facilities under this Act;

(c) give wide publicity through the print and electronic media about the welfare measures being taken by the Authority;

(d) take such other measures as it may deem necessary for carrying out the purposes of this Act.

7. Any widow,—

(i) who is destitute and neglected;

(ii) who is suffering;

(iii) who has no son;

(iv) who has a son but the son has not attained the age of twenty-one years or has attained the age of twenty-one years but is incapable of earning his livelihood due to his physical or mental disability or who has remained unemployed despite his best efforts.

Subsistence
allowance for
the widows.

shall be eligible for subsistence allowance of an amount not exceeding two thousand rupees per month from the Authority and the Authority shall pay the subsistence allowance to such widows registered under this Act on an application prescribed for the purpose.

8. The Authority shall provide to the neglected and suffering widows registered under this Act the following facilities, namely:—

Other
facilities to
the widows.

(a) residential or hostel accommodation free of cost to every widow having no such accommodation;

(b) free education including vocational and technical education to dependent children of such widows;

(c) gainful employment as per their calibre, qualifications and abilities;

(d) free vocational education and training wherever necessary;

(e) such financial assistance or facilities as may be necessary for the rehabilitation, welfare, development and maintaining a respectable life in the society:

Provided that if a widow covered under this Act gets gainful employment or re-marries the facilities provided to her under this Act shall be withdrawn from the date she gets employment or remarries, as the case may be.

9. The Authority shall have a Welfare Fund for the Widow known as Widows Welfare Fund to which shall be credited all receipts from the Central Government, State Governments, other Institutions, Organizations, Body Corporate both public and private and the individual persons for the welfare and rehabilitation of neglected and suffering widows and the fund shall be administered by the Authority in such manner as may be prescribed.

Widows
Welfare Fund.

Annual
Report.

10. The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Rights of
widows.

11. (1) Notwithstanding anything contained in any other law for the time being in force, a widow shall have the following rights, namely:—

(a) right to reside with her in-laws;

(b) right to reside in the property acquired or leased or rented by her son or sons;

(c) right to adequate health care and maintenance allowance for a decent life from her son or sons.

(2) In case a widow is forced to reside separately by her major son or sons she shall be entitled to such amount of maintenance allowance from her son or sons every month as may be prescribed.

(3) The amount of maintenance allowance payable under sub-section (2) shall be determined after taking into account the son's income, standard of living, any immovable property and the standard of living which the widow enjoyed before the husband's death.

Appropriate
Government
to enforce the
rights of the
widows.

12. It shall be the duty of the appropriate Government to enforce the provisions contained in section 11 of this Act.

Penalty.

13. Whoever contravenes the provisions of section 11 shall be punishable with imprisonment for a term which shall not be less than two years but may extend to five years and also with fine which may extend to one lakh rupees.

Central
Government
to provide
funds.

14. The Central Government shall, from time to time after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority for carrying out the purposes of this Act.

Act to have
overriding
effect.

15. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provision of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows.

Power to
make rules.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the Purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country there are more than three crore widows and more than fifty per cent of them are old widows. Majority of the widows belong to lower and middle-income groups who become destitute after the death of their husbands. Quite a large number of old widows can be seen languishing in the *bhajan ashrams* of Mathura, Vrindavan, Varanasi chanting *bhajans* and leading miserable life. After the death of their husbands most of the widows, particularly those whose husbands were not Government servants or affluent ones, do not have enough means to support them. The situation becomes more precarious if they have dependent children to support. In order to survive, they work in the households and do all sorts of other works but many of them are unable to even work because of infirmity due to old age, illness and mental disorder or physical deformity. Such widows have no alternative but to beg for survival. Many young widows, when disowned by their inlaws are forced into prostitution by unscrupulous elements. The position is more disgraceful in rural and semiurban areas where they are seen as bad women and are ignored on wedding and other auspicious occasions. Because of illiteracy and helplessness they remain an exploited lot.

The widows are also a part and parcel of our society and in a welfare state like ours it is the duty of the State to rehabilitate the needy, neglected and suffering widows and implement welfare measures for the hapless widows by preparing a National Policy for their welfare and rehabilitation. This can be done by establishing an independent Authority which will exclusively look after the needy, neglected and suffering widows so that they are not forced into begging or prostitution. Instead, they should live a happy and respectable life in the society with their dependent children.

Hence this Bill.

MAYA SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Widows Welfare Authority. Clause 7 provides for payment of subsistence allowance and clause 8 for other facilities to the widows. Clause 14 makes it mandatory for the Central Government to provide adequate funds to the Authority. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A sum of rupees five thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is of normal character.

III

BILL NO. XXIV OF 2004

A Bill to provide for the facilities of information technology and infotainment in all the villages of the country and matters connected therewith.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Villages (Information Technology And Infotainment Facilities) Act, 2004.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000 shall have the meanings respectively assigned to them in that Act. 21 of 2000.

Information
technology and
infotainment
facilities for
villages.

3. The Central Government shall within a period of two years from the commencement of this Act provide in every village throughout the country the following facilities, namely:—

(a) a computer with internet connection along with all accessories required to spread the benefits of information technology;

(b) software that may be helpful to the farmers and others in the villages to obtain the benefits of information technology; and

(c) a television for community viewing along with provisions of infotainment facilities.

4. The computer along with its other accessories and the television shall be under the control of the Head of the Village panchayat:

Control of
computer and
television.

Provided that where there is one Panchayat for two or more villages, the computer and the television shall be under the control of such person as may be decided by the Panchayat.

5. (1) The Central Government through the National Informatics Centre offices at district level shall be responsible for maintenance of computer system and other accessories at every village in its jurisdiction whereas the television and other infotainment services shall be maintained by panchayats.

Maintenance of
computers and
Televisions.

(2) The Central Government through its National Informatics Centre offices at State level shall prepare the data bank of information such as on weather, crops, seeds, schemes for farmers, techniques of farming, etc. that may be useful for the farmers in the state in such manner as may be prescribed.

(3) The Central Government shall ensure that all the districts in the country are connected through a network for spreading the benefits of information technology.

6. The Central Government shall, by due appropriation made in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central
Government to
provide funds.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

More than seventy five per cent of the people of our country live in villages. Although a lot of development has taken place in the field of information technology but most of the villages are still deprived of this development. Though our country is emerging as a super power in information technology, the villages are not getting due benefit of this powerful tool of development. In order to project the country as an economic super power, there is a need for development of villages by providing benefits of information technology. For this all the villages should be connected to a network that will be supplying information pertaining to crops, weather, seeds, various schemes of Central and State Governments, techniques for effective farming including the research and development data on various fields. Such information to the farmers at the ground level would go a long way in improving their economic and social status.

Along with the provisions of information technology, it is also required that the villages should also be provided with infotainment facilities so that they are not alienated from the mainstream of the country. The boons of scientific development must reach the doorsteps of rural India.

Hence this Bill.

ALLADI P. RAJKUMAR

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Central Government shall provide funds for implementation the various provisions. The Bill, if enacted, will involve a recurring expenditure of rupees ten crores per annum.

However, non-recurring expenditure to the tune of rupees five hundred crores will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to details only, the delegation of legislative powers is of normal character.

IV

BILL NO. XXXIII OF 2004

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the constitution (Amendment) Act, 2004.

Short title, and
commencement.

(2) It shall come into force with immediate effect.

2. After article 262 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
262A.

“262A. Nothing in article 262 shall prevent the Central Government from making any provision for equal distribution of inter-State rivers waters amongst all riparian States through which such inter-State rivers flow, as per the requirement of water for drinking as well as irrigation purposes of each of the States and in order to achieve this object the Central Government may, if it deem necessary to do so, nationalize all the inter-State rivers to bring them under its overall control”.

Equal
distribution
of inter-State
river water
amongst the
riparian States.

STATEMENT OF OBJECTS AND REASONS

Recently, dispute on sharing of inter-State river water took a new dimension when Punjab terminated all the agreements pertaining to sharing of inter-State river water through a legislation and restored the monopoly of Punjab on such water. The issue was referred to the Supreme Court by the President of India for opinion. Inter-State river water disputes are not new. There is a long standing Cauvery river water dispute amongst Karnataka and other riparian States like Tamil Nadu, Andhra Pradesh, Kerala and Pondicherry. Such a dispute has been existing among Punjab, Haryana, Rajasthan, Delhi, U.P. etc., for quite long. These disputes have arisen because some States want to monopolies the inter-State river water. This has led to tension many a times between the States and has also resulted in hatred amongst the people of the States. Hence, it has become necessary to equally distribute the inter-State rivers water amongst all the States through which such river flows. The water could be distributed as per the requirements of each State for drinking and irrigation purposes. For this, if need be, the inter-State rivers could also be nationalized.

Hence this Bill.

ALLADI P. RAJKUMAR

V

BILL NO. XXXIV OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2004.

Short title and
commencement.

(2) It shall come into force with immediate effect.

2. To clause (1) of article 75 of the Constitution, the following provisos, shall be added, namely:—

Amendment
of Article 75.

“Provided that a person shall be disqualified for being appointed as the Prime Minister, or a Minister if he stands charged by a competent Court of Law with any criminal offence under any criminal law for the time being in force the conviction on which charge disqualifies a person from being a member of either House of Parliament under article 102 of this Constitution:

Provided further that notwithstanding anything in article 74, if the President is satisfied that a Minister in the Council of Ministers stands charged by a competent Court of Law with any criminal offence under any criminal law for the time being in force, he may drop such a Minister from the Council of Ministers forthwith.

Amendment
of Article 164.

3. In article 164 of the Constitution, in clause (1) after the existing proviso, the following provisos shall be inserted, namely:—

“Provided further that a person shall be disqualified for being appointed as the Chief Minister, or a Minister if he stands charged by a competent court of law with any criminal offence under any criminal law for the time being in force, the conviction on which charge disqualifies a person from being a member of the legislature of a State under article 191 of this Constitution:

Provided also that notwithstanding anything in article 163 if the Governor is satisfied that a Minister in the Council of Ministers stands charged by a competent court of law with any criminal offence under any criminal law for the time being in force, he may drop such a Minister from the Council of Ministers forthwith.

STATEMENT OF OBJECTS AND REASONS

The Council of Ministers at the Union and State levels are the highest executive bodies who run the affairs of the nation. It is all the more necessary that in order to provide clean and corruption free administration the Ministers should have clean and honest image. But, unfortunately, persons with criminal background have recently occupied Ministerial posts both at the Central and the State levels. Recently, Parliament was rocked by the issue of induction of the tainted Ministers in the Union Council of Ministers when it was found that persons who have been chargesheeted in the Courts for heinous offences like murders, kidnapping, rape, extortion, etc. have been appointed Ministers. This is the climax of criminalisation of politics. Hence it has become necessary that if a competent Court of Law frames a criminal charge against a persons, the person concerned should be disqualified for being a Minister till he is acquitted by the Court. This will uphold the prestige and credibility of the Council of Ministers and restore the respect for ethical and moral values in our polity.

Hence this Bill.

ALLADI P. RAJKUMAR

VI

BILL No. CXIV OF 2005

A Bill to provide for welfare of palm industry workers and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Palm Industry Workers Welfare Act, 2005.
- (2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires:—

(i) 'Palm Industry' means and includes all processes connected with produce obtained from palm tree, including manufacture and trading and also connected with palm oil, whether used as a commodity or an item of handicraft or daily use and whether used for domestic consumption or for export purposes;

(ii) 'prescribed' means prescribed by rules made under the Act;

(iii) 'worker' means any worker connected with palm industry.

3. (1) The Central Government shall by notification in the Official Gazette, set up a Palm Industry Workers Welfare Fund.

Palm Industry
Workers Wel-
fare Fund.

(2) The Fund shall be administered by a Board of Trust comprising:—

(a) a Chairman, who possesses adequate knowledge in palm industry, to be appointed by the Central Government;

(b) three other members to be nominated by the Government of the States where palm trees are grown in abundance;

(c) a representative of the palm industry workers.

(3) The Fund shall consist of contribution from Central Government, State Governments, donations and contributions received from Employers.

(4) Every State Government or a Union Territory shall conduct a survey of palm industry workers in the State and send the information to the Central Government.

4. The fund shall be utilised for the following purposes:—

Utilisation of
the Fund.

(i) education of children of palm industry workers;

(ii) investment of a prescribed amount in case a worker decides to set up his own establishment connected with the palm industry;

(iii) healthcare for palm industry workers and their families;

(iv) concessional accommodation facilities;

(v) disability allowance if a worker meets with accidents during work;

(vi) old age pension to be payable after sixty years of age;

(vii) insurance premium for life insurance of palm industry workers;

(viii) family pension after the death of a worker.

5. The Central Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Palm industry workers come under unorganised sector. They live in distress conditions. Their working conditions are not safe and prone to accidents. Palm trees grow in abundance in certain States like Tamil Nadu. Tamil Nadu was the first State to set up a Board for the welfare of palm workers. After they become unfit to work further, they suffer a lot. No social security provision is available for them.

Therefore, it is proposed to constitute a fund for their welfare.

Hence this Bill.

C. PERUMAL

FINANCIAL MEMORANDUM

The Bill, if enacted will involve expenditure from the Consolidated Fund of India in respect of setting up of a Fund for the welfare of palm industry workers under Clause 3. It is likely that an annual recurring expenditure of about rupees one hundred crore will be involved.

A non-recurring expenditure of about rupees ten crores also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. The rules will relate to matters of detail only and as such the delegation of legislative powers is of a normal character.

VII

BILL No. CXIII OF 2005

A Bill to provide for regulation of Inter-State rivers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Inter-State Rivers (Regulation) Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Authority" means Inter-State Rivers Authority established under section 5;

(b) 'Inter-State River' means any river originating in one state and flowing into one or more states and includes a tributary;

(c) 'prescribed' means prescribed by rules made under the Act.

3. Notwithstanding anything contained in any other law for the time being in force or judgment of any court or authority or tribunal to the contrary, no state shall have exclusive jurisdiction or control over any inter-state river and the Central Government shall have exclusive control of all inter-state rivers.

Central
Government
to control
inter-state
rivers.

No State to construct any dam on inter-state river.

Establishment of an Authority.

4. On and from the date of commencement of this Act, no State shall, without prior permission of the Authority construct any dam or storage space or power plant on any inter-state river.

5. (1) The Central Government shall by notification in the Official Gazette set up an Authority, to be known as Inter-State Rivers Regulatory Authority to regulate inter-state rivers.

(2) The Authority shall consist of:—

(a) a Chairman, who shall be an expert in water-resources, to be appointed by the Central Government,

(b) Such other Members representing the fields of energy, agriculture and irrigation, water management, as may be appointed by the Central Government,

(c) Secretary, Union Ministry of Water Resources as its member-secretary ex-officio;

(d) a representative from each state from where inter-state river passes to be nominated by the respective State Governments.

(3) The terms of appointment, conditions of service, qualification and salaries and allowances of Chairman and members specified in clauses (a) and (b) of sub-section (2) shall be such as may be prescribed.

Authority to hold regular meetings.

6. The Authority shall hold regular meetings but shall meet atleast once in two months.

7. Every State shall forward its requirements regarding agriculture and irrigation, energy and hydel power plants, drinking water, etc to the Authority.

8. The Authority shall cause the requirement of a state studied and arrive at a figure.

Authority to distribute inter-state river water.

9. (1) The Authority shall distribute the inter-state river water in such ratio as may be deemed fit.

(2) While fixing the requirements of a state, the Authority shall take into consideration,—

(a) the agriculture and irrigation needs;

(b) power plants;

(c) drinking water;

(d) present population and future requirements as per census;

(e) Geographical conditions;

(f) present availability of water through other sources.

Authority to forward decision to Central Government.

10. The Authority shall forward its decision to the Central Government and the Central Government shall implement the decision of the Authority.

Finality of the decision.

11. The decision of the Authority shall be final and binding on the parties.

Inter linking of inter-state rivers.

12. (1) The Central Government shall formulate a scheme whereby all inter-state rivers shall be inter-linked within a time frame.

(2) The Central Government shall bear the entire expenditure and shall ensure that no delay is caused in interlinking of rivers due to monetary or any other reason.

13. The Central Government shall by due appropriation made by law in this behalf provide funds for the purpose of this Act.

Power to make rules.

14. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

The sharing of river water is one of the long pending problems in our country. Many tribunals have been set up to decide about quantum of water to be given to downstream states but they have never been implemented. As a result the problem is lingering on and is a bone of contention. The inter-state rivers should have been inter-linked in order to avoid any controversy. Moreover, it is seen that every year floods affect many states and there is drought in many states. The Government is spending lot of money for relief works in areas affected by flood and drought. The amount spent in flood and drought so far since independence would have well been spent in linking of rivers which would be permanent solution. In the Bill it is proposed that inter-state rivers should be linked within a time frame and till such time an Authority should regulate the distribution of inter-state river water.

The Bill seeks to achieve the above objective.

C. PERUMAL

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to establish an Authority to regulate inter-state rivers. The bill also provides for inter-linking of all inter-state rivers. The bill, therefore, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure at about rupees ten thousand crore per annum.

A non-recurring expenditure of about rupees one lakh crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

YOGENDRA NARAIN,
Secretary-General.